

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSEANNE SAKAMOTO,

No. C 03-5499 SI

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTION FOR REVIEW OF CLERK'S  
TAXATION OF COSTS**

v.

STEPHEN JOHNSON, Administrator, U.S.  
Environmental Protection Agency,

Defendant.

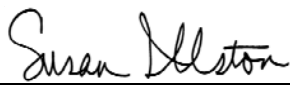
After defendant prevailed at trial, defendant submitted a bill of costs in the amount of \$13,286.18. Plaintiff filed objections to the bill of costs, and the Clerk taxed a total of \$7,131.18. Plaintiff has now filed a motion for review of the Clerk's taxation of costs. Plaintiff's motion states that she is writing to learn whether the Clerk considered her objections, and also to request that the Court deny the cost bill entirely because the Agency did not incur any costs, and because plaintiff cannot afford to pay the bill. Defendant opposes plaintiff's motion.

The Court denies plaintiff's motion. (Docket No. 488). "Rule 54(d)(1) creates a presumption in favor of awarding costs to the prevailing party which may only be overcome by pointing to some impropriety on the part of the prevailing party that would justify a denial of costs." *Russian River Watershed Protection Comm. v. City of Santa Rosa*, 142 F.3d 1136, 1144 (9th Cir. 1998). Plaintiff has not demonstrated any impropriety on defendant's part, or any error in the Clerk's taxation of costs. Plaintiff's assertion that defendant did not actually incur costs is unsupported, and indeed flatly contradicted by defendant's cost bill which was supported by a declaration by counsel. The Court also

1 finds that plaintiff has not shown that she cannot afford to pay the cost bill.

2  
3 **IT IS SO ORDERED.**

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5 Dated: May 21, 2007

  
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SUSAN ILLSTON  
United States District Judge